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JUL 20 2006

AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): John J. Gregson				Docket No. BLD920010006US1 (14385)	
Application No. 09/934,638	Filing Date August 22, 2001	Examiner Kelvin Y. Lin	Customer No. 23389	Group Art Unit 2142	Confirmation No. 8740
Invention: METHOD AND SYSTEM TO MEASURE DISTRIBUTED SYSTEM'S RELATIVE SIZE					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	17 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0457/IBM</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038.</p>					
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><i>John S. Sensny</i> Signature</p> <p>Dated: July 20, 2006</p>					
<p>John S. Sensny Registration No. 28,757</p> <p>Scully, Scott, Murphy & Presser, P.C. 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343</p>					
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p> <p>(Date) _____</p> <p><i>[Handwritten Signature]</i></p> <p>Signature of Person Mailing Correspondence</p>					
<p>Typed or Printed Name of Person Mailing Correspondence</p>					
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:** John J. Gregson**Examiner:** Kelvin Y. Lin**Serial No.:** 09/934,638**Group Art:** 2142**Filed:** August 22, 2001**Docket:** BLD920010006US1 (14385)**For:** METHOD AND SYSTEM TO MEASURE
DISTRIBUTED SYSTEM'S RELATIVE SIZE**Dated:** July 20, 2006**Confirmation No.:** 8740Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)**

Sir:

In a Notice dated June 20, 2006, the Patent Office indicated that Applicants' Amendment dated June 7, 2006, was non-compliant because Claim 2 was not provided with the proper status identifier.

Applicants are re-submitting the previous Amendment, with claim 2 now identified as "Previously Presented."

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: July 20, 2006John S. Sensny
John S. Sensny

It is believed that this submission is fully responsive to the Office Action of March 7, 2006, and to the Notice of June 20, 2006. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

John S. Sensny
John S. Sensny
Registration No. 28,757
Attorney for Applicant

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

JSS:jy

Enclosures: Resubmission of Amendment filed June 7, 2006.

JUL 20 2006

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**SCULLY, SCOTT, MURPHY
& PRESSER**

Fax

To: Examiner: Kelvin Y. Lin
Group Art Unit: 2142
Confirmation No.: 8740

From: John S. Sensny, Esq.

Fax: 571-273-8300 **Pages:** 26 (Including fax cover sheet)

Phone: **Date:** July 20, 2006

Re: Applicant: John J. Gregson
 Serial No.: 09/934,638
 Filed: August 22, 2001
 For: "METHOD TO MEASURE
 DISTRIBUTED SYSTEMS RELATIVE SIZE"
 Docket: BLD920010006US1 (14385)

CC:

**RESPONSE TO NON-COMPLIANT AMENDMENT RESUBMITTING
 AMENDMENT UNDER 37 C.F.R. §1.111, FILED JUNE 7, 2006**

TRANSMITTED HEREWITH:

1. General Transmittal Letter (in duplicate);
2. Response to Non-Compliant Amendment, enclosing Amendment Transmittal Letter (in duplicate) and resubmission of Amendment under 37 C.F.R. §1.111, previously filed on June 7, 2006;
3. Authorization to charge IBM Deposit Account No. 09-0457/IBM, if necessary; and
4. Certificate of Facsimile Transmission, dated July 20, 2006 (in duplicate).

FOR:

Applicant: John J. Gregson
 Serial No.: 09/934,638
 Filed: August 22, 2001
 For: "METHOD TO MEASURE DISTRIBUTED SYSTEMS RELATIVE SIZE"
 Docket: BLD920010006US1 (14385)

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): John J. Gregson

Docket No.

BLD920010006US1 (14385)

Application No.
09/934,638

Filing Date
August 22, 2001

Examiner
Kelvin Y. Lin

Group Art Unit
2142

Invention: METHOD TO MEASURE DISTRIBUTED SYSTEMS RELATIVE SIZE

CONFIRMATION NO.: 8740

I hereby certify that this RESPONSE TO NON-COMPLIANT AMENDMENT RESUBMITTING AMENDMENT
(Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-8300)

on July 20, 2006
(Date)

John S. Sensny
(Typed or Printed Name of Person Signing Certificate)

John S. Sensny
(Signature)

Note: Each paper must have its own certificate of mailing.

P18/REV02

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JUL 20 2006

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.

BLD920010006US1 (14385)

In Re Application Of: John J. Gregson

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/934,638	August 22, 2001	Kelvin Y. Lin	23389	2142	8740

Title: **METHOD AND SYSTEM TO MEASURE DISTRIBUTED SYSTEM'S RELATIVE SIZE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**RESPONSE TO NON-COMPLIANT AMENDMENT RE-SUBMITTING AMENDMENT UNDER 37 C.F.R.
§1.111, ORIGINALLY FILED ON JUNE 7, 2006.**

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 09-0457/IBM as described below.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

John S. Sensny
Signature

Dated: July 20, 2006

John S. Sensny
Registration No. 28,757

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

cc: JSS:jy

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(Date) _____

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P16A/REV03